

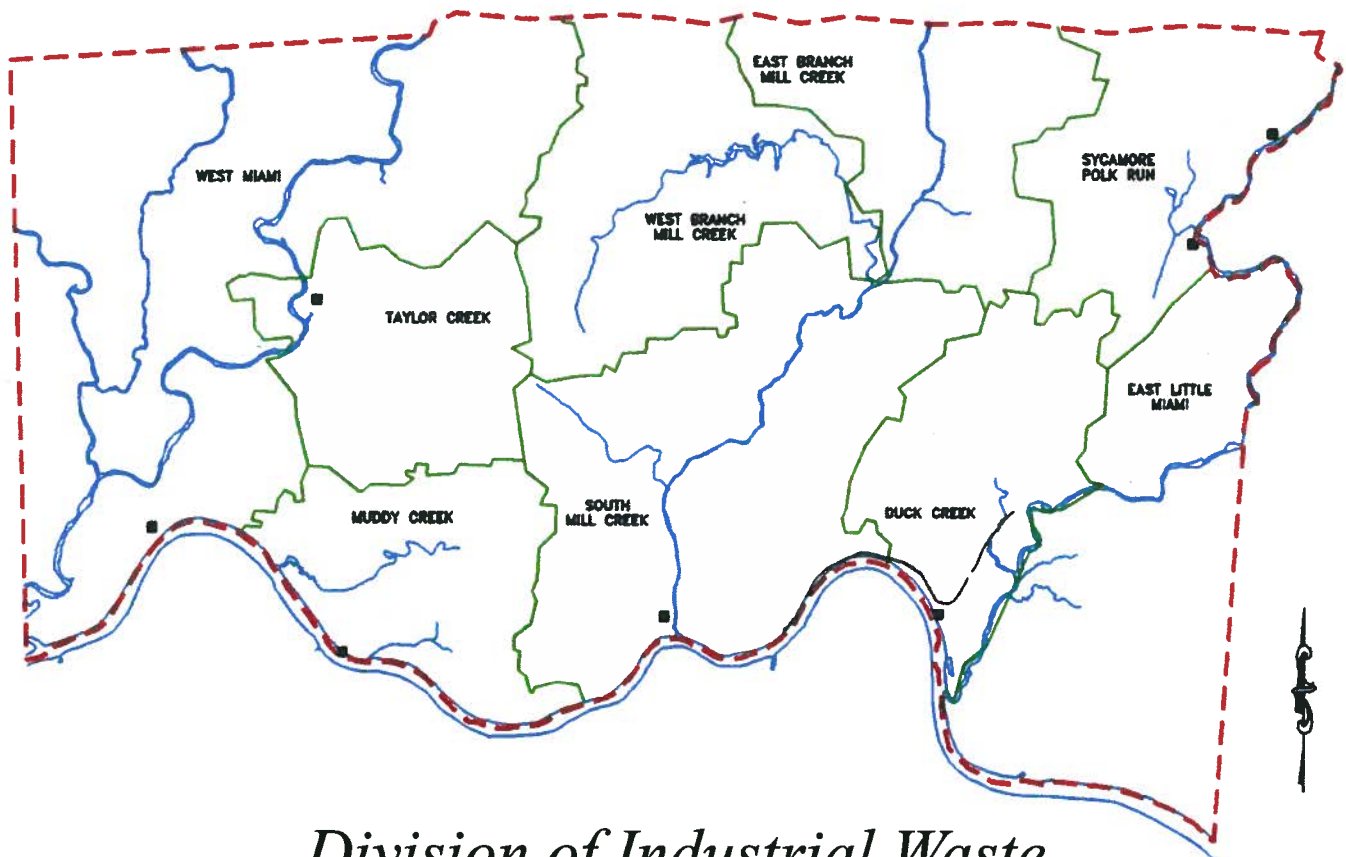
US EPA ARCHIVE DOCUMENT

# **EXHIBIT 8**

# Metropolitan Sewer District of Greater Cincinnati

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## INDUSTRIAL WASTE SSO/CSO DISCHARGE MANAGEMENT AND MINIMIZATION PLAN



*Division of Industrial Waste*

DECEMBER 1999  
REVISED FEBRUARY 2002



**Metropolitan Sewer District  
Division of Industrial Waste**

**Industrial Waste SSO/CSO Discharge  
Management and Minimization Plan**

**December 1999  
Revised February 2002**

**Metropolitan Sewer District  
Division of Industrial Waste  
Industrial Waste SSO/CSO Discharge Management and Minimization Plan**

**OBJECTIVE**

Using elements of the National Pretreatment Program, to minimize the impact of the discharges from industrial/commercial users during overflow conditions in the Metropolitan Sewer District's sewerage system; to provide additional collection and treatment capacity in the system; and to monitor the effectiveness of the procedures implemented. This is an ongoing procedure that is focused on examining all wet weather/clean water discharges for reuse, detainment, or curtailment.

**Description of the Division of Industrial Waste**

The Metropolitan Sewer District, Division of the Industrial Waste is responsible for the implementation of the National Pretreatment and Surchage programs for the District. The Division also provides technical and analytical assistance for the District as well as other local agencies. The Division is composed of four sections. Organizational charts are found in Appendix A.

**1) Sampling and Surveillance**

- Conducts sampling events used to determine compliance for the pretreatment program and surcharge determinations;
- Collects surface water, treatment plant, sludge samples;
- Conducts field investigations;
- Responds to spill, odor and other citizens' complaints;
- Participates in and conducts surveillance of activities impacting the District's sewer system and assists local, state, and Federal agencies with a variety of investigations;
- Evaluates data and determines surcharge factors;
- Inspects the collection system as necessary when troubleshooting or identifying discharges impacting overflows

**2) Laboratory**

- Analyzes samples from industrial discharges, surface water sites, spills, wastewater treatment plants for NPDES compliance, investigations, and septic tanks (for Health Departments) using a variety of instrumentation and methods approved by USEPA (40 CFR 136).

**3) Permits and Compliance**

- Evaluates all data generated for compliance with the conditions of the Pretreatment Program;
- Conducts a variety of inspections of industrial/commercial sites and activities;
- Responsible for all enforcement response activities of the District (Pretreatment Program and MSD Rules and Regulations violations as they pertain to non-domestic users);
- Generates and issues all Wastewater Discharge Permits;
- Evaluates sampling locations;
- Provides direction for the use of pollution prevention principles for compliance; and
- Reviews and approves discharges to the sewer system from industrial and commercial sources

**4) Office of the Superintendent**

- Provides clerical support;
- Information management;
- Generates and maintains Divisional budget;
- Maintains and processes personnel/payroll information;

- Performs other administrative activities and technical/analytical support to the Department and other agencies.

### **Authority**

The Division of Industrial Waste is responsible for implementing the District's approved Pretreatment Program. The program is under the oversight of the Ohio Environmental Protection Agency (OEPA) and is audited annually for compliance with the National Pretreatment Program. The Division also enforces the Rules and Regulations of the Metropolitan Sewer District as they pertain to non-domestic sources.

Wastewater Discharge Permits are issued to the industrial users of the District. At present, there are 145 Significant Industrial Users and 45 non-Industrial Users holding permits. Monitoring requirements are established according to the flow discharged to the sewer. Classifications used to determine the monitoring requirements are found in Appendix B.

### **Activities**

#### **I. Discharge Prohibitions**

##### **A. Groundwater Remediation Projects**

Groundwater remediation projects discharging to the Metropolitan Sewer District's system are required to cease all discharges to the sewer during and/or forty-eight hours after a precipitation/overflow event. Wastewater discharge permits issued to these projects include this prohibition. In some cases, the permittee is required to install a system to automatically monitor and interrupt the discharge. Depending on the location, the permitted entity may physically observe the point of overflow; use weather forecasts; or install telemetry systems as a basis upon which to determine when flow to the sewer system should cease. This requirement is explained at the time the request to discharge is made, allowing the permittee to plan for the need to construct and or design a system that would insure compliance with the prohibition conditions. Systems are inspected randomly during precipitation events to evaluate compliance with the requirements of the permits to discharge.

##### **B. Batch Discharges**

Significant Industrial Users who have been allowed to convert continuous discharges to batch processes, are limited to discharging to the system under the same conditions as described above. Examples of the documents issued are included in Appendix C.

#### **II. Discharge Restrictions**

##### **A. Areas of Concern**

All industries contributing wastewater to an SSO are of concern to the Division of Industrial Waste. All industries regulated by the Division's activities are evaluated for the impact on the SSO. The Division's activities are prioritized according to the classification of the SSOs.

Highly active SSOs as defined by the Capital Improvement Projects identified in Exhibit 3 of this consent decree are areas of primary concern for the Division of Industrial Waste. Where industrial contributions to these SSOs exist, all actions described in this plan may be implemented in these areas, requiring the industrial users to take the actions necessary to minimize the impact of the industrial discharge on the SSO. This may include pollution prevention, limiting production and/or wastewater discharge during precipitation events, recycling, and rerouting of storm water.

The highly active SSOs that also receive a contribution from industrial discharges are 1053, 701, 700, 628, 620, and 572 and are on the Master List included in Appendix F. The Division will implement actions to eliminate/minimize the contribution from any existing and future industry in these areas as a first priority.

“Areas of Concern” also include the geographical area immediately upstream of a CSO. Industries in these areas are subject to the same evaluation criteria as those contributing to the highly active SSOs identified above. Contributory industries are regulated according to the impact of the wastewater discharge on the overflow. A list of the contributory industries and the CSOs are included in Appendix F.

Industries contributing to other SSOs on the Master List in Appendix F are evaluated using the criteria specified in this plan. Control mechanisms for the regulation of the discharge are generated based on the activity (frequency, volume, duration, characteristic, and impact) of the overflow. These requirements may or may not be as stringent those currently issued to the industrial users located upstream of SSOs 700, 572, 628, & 620.

#### B. Existing Industrial Users

The District’s approved Pretreatment Program includes a classification of the Industrial Users by flow to assist in the determination of monitoring frequencies in excess of the National Pretreatment Program’s requirements. During sampling events, the Division of Industrial Waste monitors the flows of all industrial users. This information, combined with flow monitoring data of the collection system, and system capacity calculations (from Wastewater Engineering) is used to evaluate requests or notifications of any changes (especially increases) in the amount of flow discharged to the system. An evaluation of the industrial user’s discharge for the potential for reuse, recycling, retention, or curtailment during wet weather events is performed at the annual inspection and/or permit renewal. Current users whose facilities are located in an area of concern are now being advised of the potential need for extra storage capacity onsite. Implementation of measures to prevent discharges during wet weather conditions may be required by inclusion in the Wastewater Discharge Permit or by Administrative Order.

#### C. New Industrial Users

As required by the National Pretreatment Program, upon receipt of a Wastewater Discharge Permit Application, the discharges from new Industrial Users are evaluated by determining wastewater characteristics such as: flow volumes, pollutant types, and pollutant concentrations. This determination is initially made from design and process plans submitted by the industry and later verified by inspection, sampling, and analysis of the wastewater discharge stream. The Industrial User’s process is carefully evaluated to determine whether or not a federal categorical standard is applicable. Local limits are applied to the discharge. The location of the discharge in reference to any known overflows is also determined. The need for restricting the discharge during wet weather events is evaluated in accordance with the guidelines outlined in Section A above. If necessary, the discharge may be subject to restrictions during wet weather.

### III. Removal of “Clean Water” from the Sewer System

#### A. Existing Users

In 1997, the Division added to its inspection process an evaluation of the discharge of “clean water” (non-contact cooling water, uncontaminated storm water, etc.) into the sewer system. All



facilities are notified of the necessity to remove this flow from the sewer system. Users are also advised of options for eliminating contaminated storm water where possible, by covering production or storage areas exposed to precipitation events. Permittee's are advised of options such as treatment and reuse; discharge through the NPDES permitting process, etc. Users are evaluated for compliance with this request. As the Division is notified of the removal of this flow, the facility is inspected and the estimates are passed on to the Wastewater Engineering Division.

#### **B. New Users**

The discharge of "clean water" into the separate sewer system from new discharges is prohibited. These users are assisted with the elimination of the potential of the discharge of "clean water" to the system before the permit is issued.

#### **C. Incentive to Remove "Clean Water" from the System**

Prior to March 2001, the Metropolitan Sewer District's Rules and Regulations allowed a maximum deduction of eighty percent in sewer charges when non-contact cooling water, etc (clean water) was discharged to the sewer in areas serviced by separate sewers. The revised Rules and Regulations phases out this deduction over the next five years, with complete elimination of the deduction by 2005.

### **IV. Pretreatment Program Elements**

#### **A. Pretreatment Systems**

In order to reduce the concentrations of pollutants discharged during overflow conditions, an Industrial User may be required to install a pretreatment system to address pollutant(s) that if discharged during an overflow, will negatively impact the quality of the receiving stream. Data from monitoring activities by MSD and OEPA, water quality standards, local limits, and categorical standards of the industry (where applicable) contributory to the basin are used to determine whether or not the system will be required. Once the evaluation is completed, a new or modified Wastewater Discharge Permit will be issued specifying all pretreatment requirements for the discharge such as monitoring, reporting, installation of the pretreatment system, and any additional measures necessary to address the minimization of the impact of the discharge during overflow events. These actions may also be ordered by issuance of an Administrative Order to the industry.

#### **B. Pollution Prevention**

Since 1992, pollution prevention has played an integral part in the Pretreatment Program of the Division. The first phase of the initiative identifies Pollution Prevention as a "tool" by which to attain compliance. Programs and internal resources have been developed and Industrial Users are informed of opportunities for compliance using pollution prevention. As a result of this activity, users are encouraged and/or required to implement principles of pollution prevention in order to comply with the requirements of the pretreatment program. Industries are also being advised to use pollution prevention measures to minimize the impact of their discharges on overflows during wet weather events. These actions may include but are not limited to recycling, reuse and reduction of the discharge. Pollution Prevention actions will be documented and evaluated during annual inspections performed by Industrial Investigators.



#### C. Spill, Slug, and Containment Plans

In accordance with the National Pretreatment Program, all significant industrial users and industrial users with reasonable potential to discharge a slug or spill that will have an impact on the collection system, wastewater treatment plants, or worker health and safety, to have a Slug, Spill, and Containment Plan. Each plan must contain all of the four elements in the federal pretreatment regulations, 40 CFR 403.8(f)(2)(v). They are reviewed annually for the ability to contain spills from the facility and also to retain flow, if necessary, in an overflow situation. As new plans are developed, industries may be required to provide for additional storage capacity during overflows if necessary. Copies of the criteria used are included in Appendix D.

#### D. Permitting Process

As described in Section II B&C the permitting process, in conjunction with inspections, is used extensively to determine the actions that should be taken to minimize discharges during overflow events. At the time of permit renewal or issuance of a new permit, all industries having the potential to contribute to an overflow in an area of concern, will be evaluated to identify actions that should be taken to minimize the contribution to the overflow during wet weather. These actions may include but are not limited to retention, curtailment, and rerouting. Implementation of any measure may be required by issuance of a permit containing a compliance schedule or Administrative Order.

Short-term remediation projects are regulated through the use of the “One Time Discharge” (OTD) permit. Holders of this permit are required to cease any and all discharges to the sewer system during and forty-eight hours after any wet weather event. Projects requiring extensive remediation processes are issued the “Long Term Discharge” (LTD) permit. These users are also required to cease discharging during wet weather events or if an overflow is observed. Examples of the types of control documents issued are included in Appendix C.

#### E. Oil and Grease Control

The Division has developed a limit for the discharge of non-biodegradable Oil and Grease into the sewer system from non-domestic sources as defined by USEPA Method 1664. The Division is also responsible for taking enforcement actions for violations of the section of the MSD Rules and Regulations pertaining to grease and blockages of the sewer system by industrial and/or commercial sources. The actions taken are in conjunction with the activities of the Wastewater Collection Division of the Department, City of Cincinnati Health Department, Hamilton County Health District, Plumbing and Inspections agencies, and other public licensing agencies.

The Wastewater Collections Division identifies blockages in the sewer lines during cleaning and/or responses to complaints. Information concerning the extent of the problem, and generator of the grease is sent to the Division of Industrial Waste. The generator is notified by the Division of Industrial Waste, by letter, of the requirement to clean and televise the private sewer servicing the property. Within forty days, the Wastewater Collection Division (WWC) cleans and televises the public sewer. Within four to six months, WWC will reinspect the public sewer. If grease is found to be originating from the same source, the public sewer will be cleaned and televised by WWC. All applicable information necessary to recover the costs of the investigation and cleaning of the line is sent to the Division of Industrial Waste. The source is then tracked according to the conditions of the Enforcement Response Plan. Enforcement actions may consist of the recovery of the costs of cleaning the lines and fines and penalties for repeat occurrences. Additionally, the source may be required to increase the frequency of cleaning of the grease traps and maintain documentation of said actions. To evaluate compliance with this requirement, the Division

conducts random inspections of the facilities. A list of violators is sent to the Health Departments regulating the sources for further action if necessary. Examples of letters used in this process are included in Appendix F.

**F. Enforcement Response**

The District's Enforcement Response Plan (ERP) allows for the use of a portion of the fines and penalties for Environmental Enhancement Activities (EEAs). This is the Division's version of Supplemental Environmental Projects. In addition to addressing the condition that caused the violation(s), the user's location is evaluated to determine whether or not a portion of the fine should also be used to reduce and/or eliminate the discharge of pollutants; minimize flow to the sewer system; implement pollution prevention principles; or address wet weather conditions that may contribute to CSOs or SSOs.

**V. Voluntary Activities**

**A. Identification of Industrial Users Contributory to SSOs and CSOs**

All industrial Users contributory to SSOs and CSOs are identified at the time of inclusion in the Industrial Waste Program. This information is maintained in the Cincinnati Area Geographical Information System. The data is updated frequently. The information is used in the Division of Industrial Waste's activities as they pertain to minimizing discharges during wet weather events as well as other pretreatment activities. Maps identifying these locations are included in Appendix F.

**B. CSO Long Term Control Plan**

The MSD has developed a CSO Long Term Control Plan. As the CSO controls are implemented, industries impacting the proposed work are notified and informed of their impacts on the CSO and potential future requirements of them, as well as any timelines of the District. At this point, any actions of the users are considered voluntary. Activities are monitored. As the District's activities progress, actions identified to the industries may become requirements through a compliance schedules in the Wastewater Discharge Permit or Administrative Orders.

**C. Rerouting of Discharges**

If the potential exists for the rerouting of a user's discharge to an area with little or no potential for contributing to a CSO or SSO, the User is encouraged to reroute its discharge to that location. Where and when necessary, the rerouting may be included in the permit as a requirement.

**VI. Characterization of Discharges from CSOs and SSOs**

**A. Surface Water Monitoring Program**

The Division of Industrial Waste has a surface water-monitoring program. The data generated from this program is used to evaluate the impact of discharges from the CSOs and SSOs. Sampling locations have been identified that bracket the SSOs and CSOs of concern. Sampling is conducted routinely in both wet and dry weather conditions. The samples are analyzed for all regulated pollutants, fecal coliform, BOD, Total Kjeldhal Nitrogen, and Total Suspended Solids. Current sampling locations and a summary of the program are found in Appendix G.

**B. Data Evaluation**

The Division reviews data generated by other departments to fulfill the NPDES requirements of the CSO program for the Department. The data is used to identify additional sampling points,

illegal discharges, non-point sources, CSOs and SSOs. It is also used as baseline information to determine the impact of spills and aid in the identification of the sources of contamination. This data is included with other data for water quality assessments of the conditions of the surface waters in Hamilton County.

### **Revisions**

This plan will be subject to modification by the Director of MSD to account for changes in circumstances such as changes in the configuration of MSD facilities, the purchase of new equipment, changes in regulatory requirements, the development of new technologies, or changes in industry standards/best management practices. MSD shall report any such modifications to this Plan in the annual report required by Paragraph IX.C of the Consent Decree.

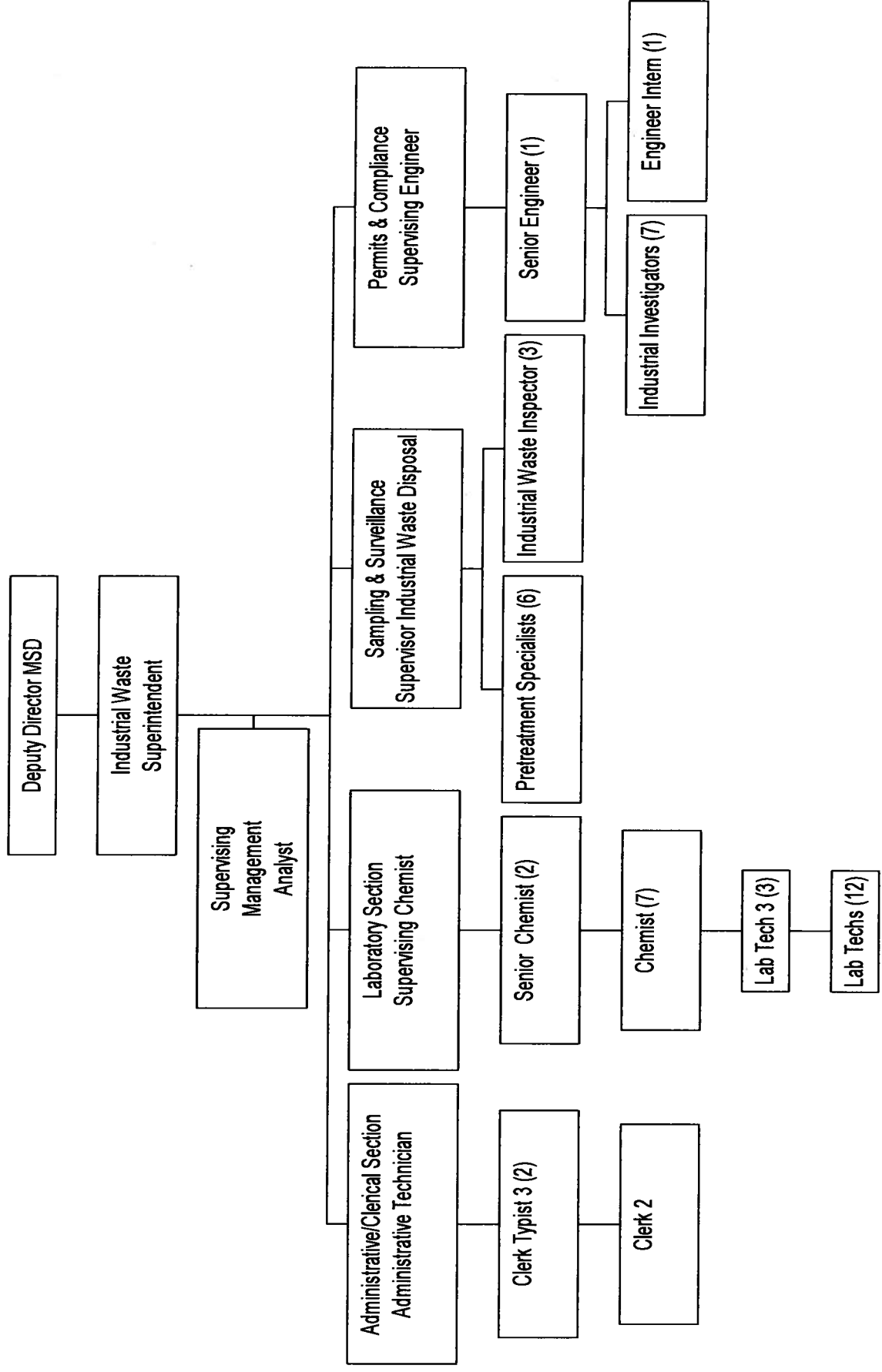
### **Resources Available in the Division of Industrial Waste**

Equipment/instrumentation available to conduct the activities identified in this plan are included in Appendices J-K. Additional supporting documentation of all activities is included in the appendices attached to this document.

# *APPENDIX A*

## *Organizational Charts*

# Industrial Waste Division



# *APPENDIX B*

## *Pretreatment Program Classifications*

### General Monitoring Information

POTW: Little Miami WWTP Period Covered: January 1, 2000 to December 31, 2000

Industrial User Classification	POTW Industrial User Monitoring		Industrial User Self-monitoring	
	Inspection freq	Sampling freq	Sampling freq	Reporting freq
Average daily process flow - gallons	Investigation * frequency	Scheduled sampling frequency		
A greater than 250,000	At least once per year	Four per year	Monthly	Monthly
B 50,000 - 250,000	At least once per year	Two per year	Quarterly	Quarterly
C 10,000 - 50,000	At least once per year	Two per year	Semiannually	Semiannually
D less than 10,000	At least once per year	Two per year	Semiannually	Semiannually

\* An annual investigation includes a thorough review of the Industrial User's Wastewater Discharge Permit conditions and requirements; an inspection of the Industrial User's processes, wastewater sources, pretreatment equipment, wastewater monitoring records, spill prevention plans; a review of the Industrial User's compliance status over the last year; an exchange of information and questions answered on such matters as new regulations or monitoring fees.



### General Monitoring Information

POTW: Muddy Creek WWTP Period Covered: January 1, 2000 to December 31, 2000

Industrial User Classification	POTW Industrial User Monitoring		Industrial User Self-monitoring	
	Inspection freq	Sampling freq	Sampling freq	Reporting freq
Average daily process flow - gallons	Investigation * frequency	Scheduled sampling frequency		
A greater than 250,000	At least once per year	Four per year	Monthly	Monthly
B 50,000 - 250,000	At least once per year	Two per year	Quarterly	Quarterly
C 10,000 - 50,000	At least once per year	Two per year	Semiannually	Semiannually
D less than 10,000	At least once per year	Two per year	Semiannually	Semiannually

\* An annual investigation includes a thorough review of the Industrial User's Wastewater Discharge Permit conditions and requirements; an inspection of the Industrial User's processes, wastewater sources, pretreatment equipment, wastewater monitoring records, spill prevention plans; a review of the Industrial User's compliance status over the last year; an exchange of information and questions answered on such matters as new regulations or monitoring fees.

### General Monitoring Information

POTW: Mill Creek WWTP    Period Covered: January 1, 2000 to December 31, 2000

Industrial User Classification	POTW Industrial User Monitoring		Industrial User Self-monitoring	
	Inspection freq	Sampling freq	Sampling freq	Reporting freq
Average daily process flow - gallons	Investigation * frequency	Scheduled sampling frequency		
A greater than 250,000	At least once per year	Four per year	Monthly	Monthly
B 50,000 - 250,000	At least once per year	Two per year	Quarterly	Quarterly
C 10,000 - 50,000	At least once per year	Two per year	Semiannually	Semiannually
D less than 10,000	At least once per year	Two per year	Semiannually	Semiannually
<p>* An annual investigation includes a thorough review of the Industrial User's Wastewater Discharge Permit conditions and requirements; an inspection of the Industrial User's processes, wastewater sources, pretreatment equipment, wastewater monitoring records, spill prevention plans; a review of the Industrial User's compliance status over the last year; an exchange of information and questions answered on such matters as new regulations or monitoring fees.</p>				

### General Monitoring Information

POTW: Sycamore WWTP    Period Covered: January 1, 2000 to December 31, 2000

Industrial User Classification	POTW Industrial User Monitoring		Industrial User Self-monitoring	
	Inspection freq	Sampling freq	Sampling freq	Reporting freq
Average daily process flow - gallons	Investigation * frequency	Scheduled sampling frequency		
A greater than 250,000	At least once per year	Four per year	Monthly	Monthly
B 50,000 - 250,000	At least once per year	Two per year	Quarterly	Quarterly
C 10,000 - 50,000	At least once per year	Two per year	Semiannually	Semiannually
D less than 10,000	At least once per year	Two per year	Semiannually	Semiannually
<p>* An annual investigation includes a thorough review of the Industrial User's Wastewater Discharge Permit conditions and requirements; an inspection of the Industrial User's processes, wastewater sources, pretreatment equipment, wastewater monitoring records, spill prevention plans; a review of the Industrial User's compliance status over the last year; an exchange of information and questions answered on such matters as new regulations or monitoring fees.</p>				

# *APPENDIX C*

## *Examples of Language Used in Wastewater Discharge Permits*



**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

Hamilton County - Managed  
by the City of Cincinnati

1600 Gest Street  
Cincinnati, Ohio 45204  
513-244-5122

**Board Of  
County Commissioners**

John S. Dowlin  
Tom Neyer, Jr.  
Todd B. Portune

**County Administrator**

David J. Krings

**City Manager**

John F. Shirey

**Director**

Patrick T. Karney, P.E., DEE

**Deputy Director**

Robert J. Campbell, P.E., DEE

June 28, 1999

Michael S. Balster  
Hull & Associates  
4700 Duke Drive, Suite 172  
Mason, Ohio 45040

MSD Permit No: OTD-909  
Effective Date: 7/01/99  
Expiration Date: 10/01/99

Dear Mr. Balster:

The Metropolitan Sewer District, Division of Industrial Waste (DIW) has reviewed your application, requesting to discharge 3, 600 gallons of groundwater, on behalf of BP Exploration & Oil, Inc. into the public sewer. DIW finds your project acceptable subject to the following conditions:

- 1) Groundwater shall be discharged into the sanitary sewer on the premises of BP located at 4545 Reading Road, Cincinnati, Ohio. The flowrate shall not exceed 10 gallons per minute. The groundwater shall not be discharge on a day when it is raining or up to two days immediately following the rain event.
- 2) On or before October 1, 1999 a written report shall be submitted to DIW. The following information must be included:
  - a) Date(s) of discharge
  - b) Time(s) and duration(s) of discharge
  - c) Total quantity of discharge
  - d) Discharge location description and/or sketch
  - e) Results of a grab sample analysis taken during discharge and analyzed for pH, Lead, O&G, VSO.
- 3) The sewerage billing for one time of discharge is \$170.00. An invoice is attached.

If you have any question or need additional information please contact Mr. Gian Nguyen at 557-7012.

BBH

GN

Cc: DIR, DIW, M. Anderson (WWA),  
Mike Darr (BP, 200 Public Square, 7-A, Cleveland, OH 44114-2375)



**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

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**Deputy Director**

Robert J. Campbell, P.E., DEE

August 16, 2001

Andrew McCorkle  
Regional Environmental Manager  
Sun Company, Inc.  
3499 West Broad Street  
Columbus, Ohio 43204

**RE: Wastewater Discharge Permit No. MIL-235**

Dear Mr Andrew McCorkle:

Enclosed is a wastewater discharge permit applicable to the discharge of wastewater from the Company's premises at 6745 Cornell Road to the wastewater treatment system of the Metropolitan Sewer District. The effective date of the enclosed permit is February 01, 1999.

The Company's specific effluent limitations are listed in Attachment A and specific monitoring requirements are presented in Table B-1 of Attachment B. Enclosed for your use and convenience are copies of MSD Report Form and guidance and the most recent Metropolitan Sewer District Rules and Regulations.

Please read the permit carefully as its issuance makes certain obligations and conditions the responsibility of the Company. If you have any questions regarding the issuance of this permit please contact Gian Nguyen at (513)-557-7012.

Sincerely,

Beverly B. Head  
Superintendent  
Division of Industrial Waste

GN/

cc: DIR/Reading, DIW/Reading, I.W.File(purple-IUN 415)  
Mathew J. Lamb (ATC Associates Inc., 687 N. James Rd, Columbus, OH 43219)

Enclosures

WASTEWATER DISCHARGE PERMIT

Permittee:	Sun Company, Inc.	MSD Permit No.:	MIL-235
	Sun Company, Inc.	Effective Date:	02/01/1999
Address:	6745 Cornell Road	Expiration Date:	02/01/2002
	Cincinnati, Ohio 45242	Industrial Cat.:	N-5C

In accordance with the provisions of Article XV, Rules and Regulations in the Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio (known hereinafter as "MSD"), the Permittee is authorized to discharge into the Wastewater Treatment System of MSD subject to the conditions set forth herein.

Issuance of this permit does not constitute expressed or implied approval or permission for a violation of any provision of MSD Rules and Regulations, nor does issuance constitute a waiver by the Department of Sewers, City of Cincinnati, or the Board of County Commissioners of Hamilton County, Ohio, of the right to seek any lawful remedy or penalty for any such violation.

In case the permit makes reference to, or includes in its terms, a plan for pretreating wastewater before its discharge into the Wastewater Treatment System, the issuance of the permit shall not constitute expressed or implied agreement or guarantee that the pretreatment facility constructed in accordance with said plan will operate as intended or in compliance with applicable MSD Rules and Regulations, or that the wastewater so pretreated will be acceptable for discharge to the Wastewater Treatment System.

This permit may be modified by MSD, as required or authorized by MSD Rules and Regulations, or as required by the federal government or agencies thereof.

Failure on the part of the Permittee to fulfill any of the specified conditions shall be sufficient cause for immediate revocation of this permit. This permit is further subject to termination upon thirty (30) days written notice to the Permittee by an authorized representative of MSD.

Violations of this permit are punishable by civil penalties of up to \$10,000 per violation and by criminal penalties of up to \$25,000 per violation or six months in prison or both.

Any assignment or transfer of this permit shall automatically make it void.

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Superintendent  
Division of Industrial Waste

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Director



## **PERMIT CONDITIONS**

- 1.)The Permittee shall comply with the MSD Rules and Regulations or with federal regulations if more stringent. (Sections 204 and 402)\*
- 2.)The Permittee shall allow MSD and any accompanying EPA personnel access to premises for inspection or sampling related to conditions of this permit. (Sections 201, 1507 and 1508)
- 3.)The Permittee shall promptly report to MSD any changes in locations, industrial processes, discharges (quantity or quality), or chemical storage procedures. (Sections 1503 and 1506)
- 4.)The Permittee shall notify MSD immediately in the event of any accident, negligence, or other occurrence having a reasonable probability of causing a discharge to the public sewer system of any wastes or process wastewaters not authorized by this permit; notifications shall be made immediately by telephoning MSD at 557-7000, 8:00 AM to 4:30 PM, Monday through Friday and 244-5500 at all other times, and shall include a description of the manner in which discharges in violation of this permit will be prevented including ceasing industrial discharges if necessary. Within 15 days of the date of any such occurrence, a detailed written statement describing the causes of the discharge and the measures being taken to prevent its future occurrence shall be submitted by Permittee to MSD, addressed to The Metropolitan Sewer District, Division of Industrial Waste, 1600 Gest Street, Cincinnati, Ohio 45204. (Sections 1525 and 1526)
- 5.)The Permittee shall discharge wastewater in conformance with the information contained in the permit application on file with MSD. (Section 1503)
- 6.)The Permittee shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of said Permittee. (Section 409)
- 7.)When the Permittee's monitoring of its wastewater discharge discloses a violation the Permittee must notify the Division of Industrial Waste of MSD within 24 hours and within 30 days shall submit to MSD in writing the results of repeat sampling and analysis. The 24 hour notification may be by telephone (557-7020).
- 8.)If the Permittee monitors its wastewater for any pollutant more often than is required by this Wastewater Discharge Permit, the results of the additional monitoring shall be included in the next periodic report to MSD.
- 9.)Of the following permit conditions, only those marked with an "X" are applicable to the Permittee:
  - (x) The Permittee's discharge shall conform to the wastewater flows and characteristics listed in Attachment "A". (Section 1503)
  - (x) The Permittee shall perform monitoring and submit signed reports as described in Attachment "B". (Section 1503)
  - ( ) The Permittee shall comply with the pretreatment requirements and schedule in Attachment "C". (Sections 1503, 1520, 1521 and 1522)

\*References are to the "Rules and Regulations Governing the Design, Construction, Maintenance, Operation, and Use of Sanitary and Combined Sewers in The Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio."

## ATTACHMENT A

### WASTEWATER FLOWS AND CHARACTERISTICS

**PERMITTEE:** Sun Company, Inc.  
Sun Company, Inc.  
**MSD PERMIT NO.:** MIL-235

The following limitations and conditions apply to the Permittee's effluent wastewater until such time as this Attachment is modified or revoked:

1. The Permittee shall maintain the **pH** of its wastewater discharged to MSD sewer system within the range of 6 to 10 standard units at all times in compliance with Sections 1518 (F) and 2204 Metropolitan Sewer District Rules and Regulations.
2. The Permittee shall not discharge to the MSD sewer system waste or wastewater of characteristics such that the aggregate concentration of organic substances in the vapor space exceeds 450 ppm (v/v) when a single grab sample of the waste or wastewater is tested using the "Final Procedure **Vapor Space Organics**" as published by MSD. During any 90 consecutive calendar days the average of the maximum values for five consecutive monitoring days shall not exceed 300 ppm (v/v).
3. The Permittee shall not discharge to the MSD sewer system waste or wastewater that contains pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a **closed cup flashpoint** of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
4. At no time shall the wastewater flow rate to the MSD sewer system exceed 3,000 gallons per day (gpd).
5. The Permittee shall not discharge wastewater on a day when it is raining or up to two days immediately following the rain event.

## ATTACHMENT A

### WASTEWATER FLOWS AND CHARACTERISTICS

**PERMITTEE:** Sun Company, Inc.

Sun Company, Inc.

**MSD PERMIT NO.:** MIL-235

6. **Local Limits** The Permittee shall not discharge to the MSD sewer system waste or wastewater with concentrations of pollutants that exceed the following values:

Sun Company, Inc. Limits			
Pollutant	Column A	Column B	Column C
Cadmium (Total)	6.0	9.0	n.a.
Chromium (Total)	10.0	15.0	n.a.
Copper (Total)	10.0	15.0	n.a.
Lead (Total)	6.0	9.0	n.a.
Mercury (Total)	0.02	0.03	n.a.
Nickel (Total)	10.0	15.0	n.a.
Zinc (Total)	10.0	15.0	n.a.
Cyanide (Total)	n.a.	15.0	n.a.
Cyanide (Amenable)	n.a.	3.0	n.a.
Phenols	n.a.	50.0	n.a.
Oil & Grease	n.a.	50.0	n.a.
Temperature	n.a.	150°F	n.a.
Vapor Space Organics	n.a.	450 ppm	300 ppm

Column A = concentrations (mg/L, unless otherwise noted) of composite samples collected over the daily period of operation in proportion to flow so as to produce a representative sample.

Column B = concentrations (mg/L, unless otherwise noted) of samples collected over a time interval of not more than one minute so as to produce a grab sample.

Column C = **average** concentration (mg/L, unless otherwise noted) of at least 5 samples collected over a period of 90 days.

n.a. = sampling and analytical method and/or regulatory limit requires grab samples only.

## ATTACHMENT B

### MONITORING AND REPORTING REQUIREMENTS

**PERMITTEE:** Sun Company, Inc.  
Sun Company, Inc.  
**MSD PERMIT NO.:** MIL-235

The following provisions shall apply to the Permittee until such time as this Attachment is modified or revoked:

1. The Permittee shall monitor and record the pH of its wastewater at the sampling location(s) specified at the end of this Attachment according to the schedule in Table B-1. The Permittee shall retain these records so that on any day the Permittee will have on hand and available for inspection pH records for the previous three (3) years.
2. The Permittee shall perform periodic self monitoring of its wastewater at the sampling location(s) defined in this Attachment **according to the schedule specified in Table B-1** by collecting data representative of the quality and quantity of its wastewater effluent. The Permittee shall submit these data to MSD within 45 days of the last day of the month in which the monitoring was performed. The Permittee shall use MSD Report Form No. MSD IW 88-2 or a reasonable facsimile for the required report. The monitoring report shall include:
  - A. Average daily wastewater flow rates and total flow for the previous quarter from each sampling location described in this Attachment.
  - B. The chemical identities, concentrations, and methods of analysis of the regulated pollutants as listed in Item 6 Local Limits of Attachment A of this permit and **as required for periodic monitoring in Table B-1.**
  - C. In the event of no discharge during a quarter a report must be submitted to MSD describing the cause and expected duration of cessation.

## ATTACHMENT B

### MONITORING AND REPORTING REQUIREMENTS

**PERMITTEE:** Sun Company, Inc.  
Sun Company, Inc.  
**MSD PERMIT NO.:** MIL-235

3. The Permittee shall periodically submit separate written reports of groundwater meter readings and wastewater discharge volumes for billing purposes to:

Metropolitan Sewer District – Division of Administration  
1600 Gest Street  
Cincinnati, OH 45204  
Attn: Ms. G. Tokarsky

The dates when the reports are due, and the reporting periods of the volumetric discharges, are normally specified on the billing notices from Cincinnati Water Works.

All reports shall contain detailed information and follow specific submitting instructions. These are outlined in the confirmation letter from the Division of Wastewater Administration after the meter installation is inspected.

4. The Permittee shall use the following applicable sampling and analytical techniques for the monitoring:
  - A. The **metal pollutants** shall be analyzed using approved test procedures of the appropriate EPA Method Number 200.7 through 289.2. The **cyanide pollutant** shall be analyzed using approved test procedures of the appropriate EPA Method Numbers 335.1, 335.2, or 335.3. The **organic pollutants** shall be analyzed using the approved test procedures of the appropriate EPA Method Numbers 601-613, 624, 625, 1624 and 1625. The **phenols pollutant** listed in Item 6 of Attachment A shall be analyzed using the approved test procedure of the appropriate EPA Method Number 420.1 or 420.2. The **oil & grease pollutant** listed in Item 6 of Attachment A shall be analyzed using the approved test procedure 5520F Hydrocarbons as set forth in the 17th edition of Standard Methods for the Examination of Water and Wastewater, 1989. Further information regarding approved sampling and test procedures may be found in Title 40 Code of Federal Regulations, Part 136 (40 CFR 136).
  - B. For the pollutants listed in **Item 6 Local Limits of Attachment A** samples shall be collected by the following appropriate method. The samples for **metal pollutants, cyanide, phenols, oil & grease and Vapor Space Organics (VSO)** shall each be taken as a single grab sample.

## ATTACHMENT B

### MONITORING AND REPORTING REQUIREMENTS

**PERMITTEE:** Sun Company, Inc.

Sun Company, Inc.

**MSD PERMIT NO.:** MIL-235

5. Permittees seeking renewal of a Wastewater Discharge Permit shall apply in writing between 30 and 60 days before the expiration date of the current permit. The application for renewal shall state significant changes in the quantity and quality of the wastewater or shall certify that there are no such significant changes.

#### SAMPLING LOCATION(S)

**Sample Location 1.** Samples shall be taken from the '*end-of-process*' sampling and gauging station which is located after Carbon Filter of the facility. This sampling point is in reference to: Your Company's drawing Number #3 (Flow Schematic).

Table B-1 Schedule for periodic monitoring.				
Sun Company, Inc.	pH	Periodic monitoring (number of monitoring days per period)	Required regulated pollutants for periodic monitoring.	
			Item 6 Local Limits Attachment A	
Sample Location 1	one grab sample each calendar quarter in which there is discharge	one grab sample each calendar quarter in which there is discharge	Vapor Space Organics, Oil & grease, Lead.	

# *APPENDIX D*

## *Pretreatment Program Requirements Slug, Spill and Containment Guidance*



(iii) If, by July 1, 1983, a POTW has begun the PRM 75-34 analysis but due to circumstances beyond its control has not completed it, Consistent Removal, subject to the approval of the Approval Authority, may continue to be claimed according to the formula in paragraph (h)(2)(i) of this section as long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the non-structural cost-effective measures identified by the analysis; and so long as the POTW has expressed its willingness to apply, after completing the analysis, for a construction grant necessary to implement any other cost-effective Overflow controls identified in the analysis should Federal funds become available, so applies for such funds, and proceeds with the required construction in an expeditious manner. In addition, Consistent Removal may, subject to the approval of the Approval Authority, continue to be claimed according to the formula in paragraph (h)(2)(i) of this section where the POTW has completed and the Approval Authority has accepted the analysis required by PRM 75-34 and the POTW has requested inclusion in its NPDES permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. (In considering what is timely implementation, the Approval Authority shall consider the availability of funds, cost of control measures, and seriousness of the water quality problem.)

(Information collection requirements are approved by the Office of Management and Budget under control number 2040-0009)

[49 FR 31221, Aug. 3, 1984, as amended at 51 FR 20430, June 4, 1986; 53 FR 42435, Nov. 5, 1987; 58 FR 9386, Feb. 19, 1993; 58 FR 18017, Apr. 7, 1993]

#### **§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.**

(a) POTWs required to develop a pretreatment program. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in § 403.10(e). The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or Pass Through.

(b) Deadline for Program Approval. A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within three (3) years as provided for in 40 CFR part 125, subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under paragraph (a) of this section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the Approval Authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

+ (c) Incorporation of approved programs in permits. A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of the Permit. The modification of a POTW's NPDES Permit for the

purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in Sec. 403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63.

+ (d) Incorporation of compliance schedules in permits. [Reserved].

(e) Cause for reissuance or modification of Permits. Under the authority of section 402(b)(1)(C) of the Act, the Approval Authority may modify, or alternatively, revoke and reissue a POTW's Permit in order to:

(1) Put the POTW on a compliance schedule for the development of a POTW Pretreatment Program where the addition of pollutants into a POTW by an Industrial User or combination of Industrial Users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

(2) Coordinate the issuance of a section 201 construction grant with the incorporation into a permit of a compliance schedule for POTW Pretreatment Program;

(3) Incorporate a modification of the permit approved under section 301(h) or 301(i) of the Act;

(4) Incorporate an approved POTW Pretreatment Program in the POTW permit; or

(5) Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(6) Incorporate the removal credits (established under § 403.7) in the POTW permit.

(f) POTW pretreatment requirements. A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) Legal authority. The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3(t), this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the following conditions:

(A) Statement of duration (in no case more than five years);

(B) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(C) Effluent limits based on applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and State and local law;

(D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and State and local law;

(E) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of

technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under § 403.12(m) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

+ (vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section,

will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.

(vii) Comply with the confidentiality requirements set forth in § 403.14.

(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;

(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in § 403.12;

(v) Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial



User at least once a year. Evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;
- (vi) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under § 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- (vii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
  - (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
  - (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
  - (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(3) Funding. The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and (ii) a limited aspect of the Program does not need to be implemented immediately (see § 403.9(b)).

(4) Local limits. The POTW shall develop local limits as required in § 403.5(c)(1), or demonstrate that they are not necessary.

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

+ (6) The POTW shall prepare and maintain a list of its industrial users meeting the criteria in Sec. 403.3(u)(1). The list shall identify the criteria in Sec. 403.3(u)(1) applicable to each industrial user and, for industrial users meeting the criteria in Sec. 403.3(u)(ii), shall also indicate whether the POTW has made a determination pursuant to Sec. 403.3(u)(2) that such industrial user should not be considered a significant industrial user. The initial list shall be submitted to the Approval Authority pursuant to Sec. 403.9 as a non-substantial modification pursuant to Sec. 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to Sec. 403.12(i)(1).

(Information collection requirements are approved by the Office of Management and Budget under control number 2040-0009)

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, 20430, June 4, 1986; 51 FR 23759, July 1, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33926, June 29, 1995; 62 FR 38406, July 17, 1997]

#### **§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.**

(a) Who approves Program. A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in paragraphs (b)(1) through (4) of this section. This description shall be submitted to the Approval Authority which will make a determination on the request for program approval in accordance with the procedures described in § 403.11.

(b) Contents of POTW program submission. The program description must contain the following information:

(1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in § 403.8. This statement shall:

- (i) Identify the provision of the legal authority under § 403.8(f)(1) which provides the basis for each procedure under § 403.8(f)(2);

# **Metropolitan Sewer District Rules and Regulations**

## **SPILL CONTROL PLAN**

**Section 1524** Each user shall provide facilities for protection of the wastewater treatment system from accidental discharge of prohibited materials or other regulated wastes. Such facilities shall be provided and maintained at the User's expense. Detailed plans delineating such facilities and detailed operating procedures to provide this protection shall be maintained by the User and made available for inspection by the Department at any reasonable time, upon request of the Department.

**Section 1525** Users shall notify the Department immediately of any slug loading or any other discharges of wastes or highway spills in violation of these Rules and Regulations.

This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement from the User describing the causes of the discharge and the measures being taken to prevent its future occurrence.

Such notification will not relieve Users of liability for any consequential expense, loss or damage, including without limitation any fines and/or penalties imposed on the Department which result from the violative discharge.

Users shall make available to their employees copies of these Rules and Regulation together with such other wastewater information and notices which may be furnished by the Director from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted by the User in a conspicuous place advising employees whom to call in case of any discharge in violation of these Rules and Regulations.

## **General Pretreatment Regulations**

### **SLUG CONTROL PLAN**

Evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection {40 CFR 403.8(f)(2)(v)}, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. ...the plan shall contain, at a minimum, the following elements:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.



# *APPENDIX E*

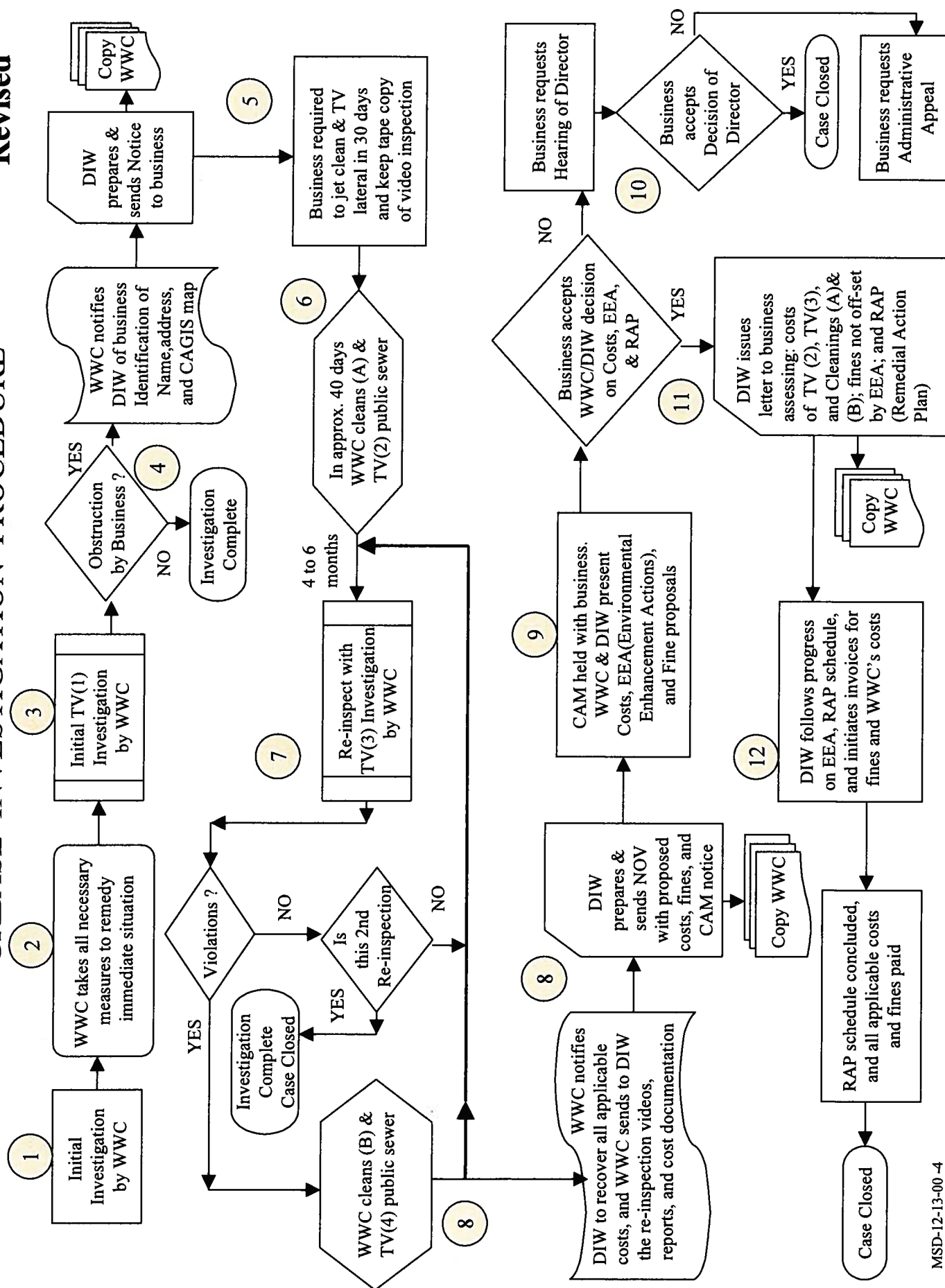
## *Grease Control Program*

**GREASE INVESTIGATING PROCEDURE**  
**Revised (modified 11-30-00 by DIW)**

1. Initial investigation initiated by Service Request or MSD Personnel.
2. WWC takes all measures to remedy immediate situation- this may include an initial cleaning or flushing if needed.
3. Initial TV (1) investigation is performed to identify possible violations.
4. If no violations are found, investigation is complete. If violations are found WWC will notify DIW expeditiously in writing with the business identification (correspondence request from G. Stephen Minges to Beverly Head) including the Name, Street Address, and CAGIS map of affected sewers.
5. DIW will expeditiously contact business in writing with a copy of notice sent to WWC promptly. In the notice DIW will explain the situation and require within 30 days at business' expense that their private sewer lateral be jet cleaned and televised to verify that the lateral is clean. The business will be asked to keep a taped copy of their video inspection.
6. Approximately 40 days after the date of notice to the business, WWC will have the public sewer cleaned and televised. The TV (2) inspection will show that the main sewer has been cleaned in its entirety.
7. WWC will return in four to six months to re-inspect the public sewer. The public sewer will be televised (3) first to see if grease has returned to the sewer and where the grease is coming from. If no grease violations are found WWC will return in four to six months again for a second re-inspection. If no grease violations are found in this second re-inspection the investigation will be closed.
8. If grease is found and if it is determined that the grease is coming from the same business as identified from Step 3, WWC will clean (B) the sewer again, and televise (4), and notify DIW expeditiously with all applicable information to recover the costs of the investigation and cleaning. WWC will return to step 7. DIW will expeditiously prepare and send a NOV with proposed costs, fines, and CAM (Compliance Attainment Meeting) notice.
9. The CAM is held, and afterwards, a final decision of WWC/DIW is given to the business.
10. If the WWC/DIW decision is not accepted, business can request a Hearing.
11. If the business does accept the WWC/DIW decision, with all information available, DIW will within 30 days issue a letter assessing the business costs for investigating, cleaning, and televising the public sewer from TV (2), TV (3), Cleaning (B), and any applicable fines.
12. DIW will track progress on RAPs, and collection of costs and fines.

# GREASE INVESTIGATION PROCEDURE

Revised





**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

Hamilton County - Managed  
by the City of Cincinnati

1600 Gest Street  
Cincinnati, Ohio 45204  
513-244-5122

**Board Of  
County Commissioners**

John S. Dowlin  
Tom Neyer, Jr.  
Todd B. Portune

**County Administrator**

David J. Krings

**City Manager**

John F. Shirey

**Director**

Patrick T. Karney, P.E., DEE

**Deputy Director**

Robert J. Campbell, P.E., DEE

July 11, 2001

Store Manager  
Restaurant Name  
Street address  
City, State Zip

Dear Store Manager:

This letter is being sent to you as notification that on March 15, 2001 a light to heavy grease buildup was found in the public sewer and building sewer serving your facility. Preliminary evidence suggests that the source of the grease may be from current or previous operations at the above address. Metropolitan Sewer District Rules and Regulations, Section 1207 requires your company to maintain its building drain and building sewer grease-free. In addition, Section 1518(D) prohibits the discharge of materials capable of blocking the public sewer. Furthermore, Section 1523 requires your company to maintain its grease trap in continuously efficient operation. Failure to comply with any of these sections is a violation of MSD Rules and Regulations.

The Metropolitan Sewer District has temporarily halted the grease investigation to allow your company time to review its grease control procedures. At a minimum this review should include jet cleaning of your building drain, grease trap and building sewer. In addition the building sewer should be video inspected and taped from your building to the point of connection with the public sewer. Copies of the inspection tapes and related cleaning and repair invoices should be retained for at least three years. Whether your company chooses to take this opportunity for review or not, the District will restart its grease investigation approximately 30 days after the date of this letter. Your company is also requested to take any other actions necessary to ensure compliance.

Should the District conclusively determine that the source of the grease is your company, the District may choose to pursue some or all of the legal recourses available. These include recovery of investigation and repair costs, penalties of up to \$10,000 per day per violation, elimination of service or referral to the Attorney General's office. The District urges you to preempt this action by ensuring that your grease handling procedures are adequate to protect the public sewer from impairment. If you have any questions or require additional information, please contact Michael Cappel, Industrial Investigator at 557-7013.

Sincerely,

Beverly B. Head  
Superintendent  
Division of Industrial Waste

BBH:MLC:mlc:example

cc: DIW/Reading File, IW File Manila(XXXX), Jerry Weimer WWC